

1 **WHEREAS**, the City Council, as the governing body of the City of Palm Beach
2 Gardens, Florida, pursuant to the authority in Chapter 163 and Chapter 166, *Florida*
3 *Statutes*, and the City's Land Development Regulations, is authorized and empowered
4 to consider petitions related to zoning and land development orders; and
5

6 **WHEREAS**, the City Council has considered the evidence and testimony
7 presented by the Applicant and other interested parties and the recommendations of the
8 various City of Palm Beach Gardens and Palm Beach County reviewing agencies and
9 staff; and
10

11 **WHEREAS**, the City Council has determined that adoption of this Ordinance is in
12 the best interests of the health, safety, and welfare of the residents and citizens of the
13 City of Palm Beach Gardens and the public at large.
14

15 **WHEREAS**, the City Council has determined that this Ordinance is consistent
16 with the City's Comprehensive Plan based on the following findings of fact:
17

- 18 1. The proposed rezoning of Planned Community Development (PCD) Overlay
19 with underlying zoning of Mixed-Use (MXD) is consistent with the future
20 land-use designation of Mixed-Use (MXD).
21
- 22 2. The proposed rezoning is in harmony with the general purpose and intent of
23 the Comprehensive Plan and the Land Development Regulations, and is
24 compatible with the intensity and density of the surrounding, existing, and
25 future land uses.
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28 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY**
29 **OF PALM BEACH GARDENS, FLORIDA** that:
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31 **SECTION 1.** Those certain parcels of real property located within the corporate
32 limits of the City of Palm Beach Gardens, informally known as the "Briger Tract",
33 comprised of approximately 681 acres, more or less, and located south of Donald Ross
34 Road, north of Hood Road, and east and west of Interstate 95, and currently zoned
35 Planned Development Area (PDA) according to the City of Palm Beach Gardens Zoning
36 Map, are hereby assigned the zoning designation of Planned Community Development
37 (PCD) Overlay with an underlying zoning designation of Mixed-Use (MXD) and are
38 legally described as follows:
39

40 **LEGAL DESCRIPTION:**
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42 THAT PORTION OF SECTIONS 26 AND 35, TOWNSHIP 41 SOUTH, RANGE 42
43 EAST, IN PALM BEACH COUNTY, FLORIDA, DESCRIBED IN PARCELS AS
44 FOLLOWS:
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46

1 COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 26; THENCE
2 SOUTH 01°20'36" WEST ALONG THE EAST LINE OF SAID SECTION, A DISTANCE
3 OF 75.02 FEET TO A POINT ON A LINE PARALLEL WITH AND SOUTHERLY 75.00
4 FEET FROM THE NORTH LINE OF SAID SECTION, SAID POINT BEING THE POINT
5 OF BEGINNING, SAID POINT ALSO BEING ON THE SOUTH LINE OF DONALD
6 ROSS ROAD; THENCE SOUTH 01°20'36" WEST ALONG SAID EAST LINE, A
7 DISTANCE OF 2544.53 FEET TO THE NORTHEAST CORNER OF THE SOUTHEAST
8 QUARTER (SE 1/4) OF SAID SECTION 26; THENCE SOUTH 01°17'32" WEST
9 ALONG SAID EAST LINE, A DISTANCE OF 2619.91 FEET TO THE NORTHEAST
10 CORNER OF SAID SECTION 35; THENCE SOUTH 00°48'03" WEST ALONG THE
11 EAST LINE OF SAID SECTION 35, A DISTANCE OF 1373.03 FEET TO THE NORTH
12 RIGHT-OF-WAY LINE OF HOOD ROAD, AS DESCRIBED IN DEED BOOK 1146,
13 PAGE 639, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE
14 NORTH 88°06'56" WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE
15 OF 639.65 FEET TO THE EAST LINE OF THE LAND DESCRIBED AS PARCEL 280
16 B(2) IN THE ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 4296,
17 PAGE 1151 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY; THENCE
18 ALONG THE BOUNDARY OF SAID PARCEL 280 B(2), NORTH 01°53'04" EAST, A
19 DISTANCE OF 70.00 FEET; THENCE NORTH 88°06'56" WEST, A DISTANCE OF
20 32.20 FEET; THENCE NORTH 83°32'30" WEST, A DISTANCE OF 52.96 FEET;
21 THENCE NORTH 01°53'04" EAST, A DISTANCE OF 15.00 FEET; THENCE NORTH
22 83°32'30" WEST, A DISTANCE OF 140.45 FEET; THENCE SOUTH 01°53'04" WEST,
23 A DISTANCE OF 15.00 FEET; THENCE NORTH 83°32'30" WEST, A DISTANCE OF
24 308.19 FEET; THENCE NORTH 88°06'56" WEST, A DISTANCE OF 117.31 FEET;
25 THENCE NORTH 00°49'08" EAST, A DISTANCE OF 291.34 FEET; THENCE NORTH
26 89°10'53" WEST, A DISTANCE OF 70.00 FEET TO THE NORTHWEST CORNER OF
27 SAID PARCEL 280 B(2), BEING ALSO ON THE WEST LINE OF THE EAST 40.00
28 FEET OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER
29 (NE 1/4) OF SAID SECTION 35; THENCE NORTH 00°49'08" EAST ALONG SAID
30 WEST LINE, A DISTANCE OF 942.23 FEET TO THE NORTH LINE OF SAID
31 SECTION 35; THENCE NORTH 89°24'49" WEST ALONG SAID NORTH LINE, A
32 DISTANCE OF 658.23 FEET TO THE WEST LINE OF THE EAST 40.00 FEET OF THE
33 WEST HALF (W 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE
34 NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 35; THENCE SOUTH 00°49'41"
35 WEST ALONG SAID WEST LINE, A DISTANCE OF 549.73 FEET TO THE
36 NORTHEAST LINE OF THE LAND DESCRIBED IN PARCEL 280 A(1) IN SAID
37 ORDER OF TAKING RECORDED IN SAID OFFICIAL RECORD BOOK 4296, PAGE
38 1151; THENCE ALONG THE BOUNDARY OF SAID PARCEL 280 A(1), NORTH
39 28°00'09" WEST, A DISTANCE OF 626.06 FEET TO THE NORTH LINE OF SAID
40 SECTION 35; THENCE CONTINUE NORTH 28°00'09" WEST ALONG SAID
41 BOUNDARY, A DISTANCE OF 3541.88 FEET; THENCE NORTH 24°00'09" WEST
42 ALONG SAID BOUNDARY, A DISTANCE OF 546.72 FEET TO THE BEGINNING OF A
43 CURVE THEREIN, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 5635.58
44 FEET; THENCE NORTHWESTERLY, A DISTANCE OF 544.09 FEET ALONG SAID
45 CURVE, THROUGH A CENTRAL ANGLE OF 05°31'54" TO A POINT OF TANGENCY;
46 THENCE CONTINUE ALONG SAID BOUNDARY, NORTH 18°28'15" WEST, A

1 DISTANCE OF 543.08 FEET; THENCE NORTH 14°39'25" WEST, A DISTANCE OF
2 177.27 FEET; THENCE NORTH 11°29'21" EAST, A DISTANCE OF 190.36 FEET;
3 THENCE NORTH 63°46'51" EAST, A DISTANCE OF 190.36 FEET; THENCE NORTH
4 89°55'36" EAST, A DISTANCE OF 301.88 FEET; THENCE NORTH 87°37'27" EAST, A
5 DISTANCE OF 296.35 FEET; THENCE NORTH 89°55'45" EAST, A DISTANCE OF
6 302.02 FEET; THENCE NORTH 00°04'15" WEST, A DISTANCE OF 6.00 FEET TO
7 THE SOUTHWESTERLY CORNER OF THE LAND DESCRIBED IN PARCEL 280 B(3)
8 IN SAID ORDER OF TAKING; THENCE ALONG THE SOUTHERLY LINE OF SAID
9 PARCEL 280 B(3), AS DESCRIBED IN OFFICIAL RECORD BOOK 4296, PAGE 1151,
10 SAID LINE ALSO BEING THE SOUTHERLY RIGHT-OF-WAY LINE OF ADDITIONAL
11 RIGHT-OF-WAY FOR DONALD ROSS ROAD AS DESCRIBED IN OFFICIAL RECORD
12 BOOK 21129, PAGE 118, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA,
13 NORTH 89°55'45" EAST, A DISTANCE OF 1216.68 FEET; THENCE ALONG SAID
14 SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 45°04'14" EAST, A DISTANCE OF 56.57
15 FEET; THENCE ALONG THE EAST LINE OF SAID ADDITIONAL RIGHT-OF-WAY,
16 NORTH 00°04'14" WEST, A DISTANCE OF 65.00 FEET TO SAID LINE PARALLEL
17 WITH AND SOUTHERLY 75.00 FEET FROM THE NORTH LINE OF SAID SECTION
18 26; THENCE NORTH 89°55'46" EAST ALONG SAID PARALLEL LINE, A DISTANCE
19 OF 2369.16 FEET TO THE POINT OF BEGINNING.

20
21 CONTAINING 475.31 ACRES, MORE OR LESS.

22
23 TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

24
25 BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 26; THENCE
26 NORTH 00°36'37" EAST ALONG THE WEST LINE OF SAID SECTION, A DISTANCE
27 OF 4365.67 FEET TO THE SOUTHWESTERLY BOUNDARY OF THE LAND
28 DESCRIBED AS PARCEL 280 A(1) IN THE ORDER OF TAKING RECORDED IN
29 OFFICIAL RECORD BOOK 4296, PAGE 1151 OF THE PUBLIC RECORDS OF SAID
30 PALM BEACH COUNTY; THENCE ALONG SAID BOUNDARY SOUTH 34°23'37"
31 EAST, A DISTANCE OF 112.80 FEET; THENCE SOUTH 33°14'52" EAST, A
32 DISTANCE OF 493.78 FEET ALONG SAID BOUNDARY TO THE BEGINNING OF A
33 CURVE THEREIN, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 11365.16
34 FEET; THENCE SOUTHEASTERLY, A DISTANCE OF 813.16 FEET ALONG SAID
35 CURVE, THROUGH A CENTRAL ANGLE OF 04°05'58" TO A POINT OF TANGENCY;
36 THENCE SOUTH 29°08'54" EAST, A DISTANCE OF 1199.30 FEET; THENCE SOUTH
37 28°00'09" EAST ALONG SAID BOUNDARY, A DISTANCE OF 2426.49 FEET TO THE
38 SOUTH LINE OF SAID SECTION 26; THENCE CONTINUE SOUTH 28°00'09" EAST
39 ALONG SAID BOUNDARY, A DISTANCE OF 1464.87 FEET; THENCE NORTH
40 89°04'14" WEST ALONG SAID BOUNDARY AND ALONG THE NORTH LINE OF THE
41 LAND DESCRIBED IN PARCEL 280 B(1) OF SAID ORDER OF TAKING, A DISTANCE
42 OF 339.10 FEET; THENCE SOUTH 86°53'01" WEST ALONG SAID NORTH LINE, A
43 DISTANCE OF 401.53 FEET TO THE NORTHERLY LINE OF HOOD ROAD; THENCE
44 NORTH 88°06'56" WEST ALONG SAID NORTHERLY LINE, A DISTANCE OF 518.05
45 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF THE
46 NORTHEAST QUARTER (NE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF

1 SAID SECTION 35; THENCE NORTH 00°50'35" EAST ALONG SAID EAST LINE, A
2 DISTANCE OF 628.52 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST
3 QUARTER (SW 1/4); THENCE NORTH 89°02'37" WEST, A DISTANCE OF 658.29
4 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER (SW 1/4);
5 THENCE SOUTH 00°50'56" WEST ALONG THE WEST LINE OF SAID SOUTHWEST
6 QUARTER (SW 1/4), A DISTANCE OF 617.85 FEET TO SAID NORTH LINE OF
7 HOOD ROAD; THENCE NORTH 88°06'56" WEST ALONG SAID NORTH LINE, A
8 DISTANCE OF 392.92 FEET TO A POINT ON THE NORTH LINE OF THE FLORIDA'S
9 TURNPIKE RIGHT-OF-WAY AS DESCRIBED IN MINUTES OF THE CIRCUIT COURT
10 BOOK 70, PAGE 443, PALM BEACH COUNTY, FLORIDA; THENCE ALONG SAID
11 NORTH RIGHT-OF-WAY LINE FOR THE FOLLOWING FOUR [4] COURSES: NORTH
12 01°53'04" EAST, A DISTANCE OF 10.00 FEET; NORTH 88°06'56" WEST, A
13 DISTANCE OF 350.00 FEET; THENCE NORTH 83°28'53" WEST, A DISTANCE OF
14 503.22 FEET; THENCE NORTH 89°00'28" WEST, A DISTANCE OF 73.33 FEET TO
15 THE WEST LINE OF SAID SECTION 35; THENCE NORTH 00°51'38" EAST ALONG
16 SAID WEST LINE, A DISTANCE OF 1204.18 FEET TO THE POINT OF BEGINNING.

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18 CONTAINING 206.38 ACRES, MORE OR LESS.

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20 **SECTION 2.** The City Zoning Map is hereby amended to conform to this
21 Ordinance, and the City Manager is hereby instructed to make the necessary changes
22 to the official City Zoning Map.

23
24 **SECTION 3.** All ordinances or parts of ordinances in conflict be and the same
25 are hereby repealed.

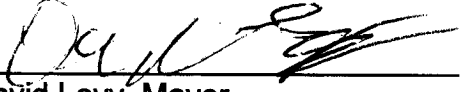
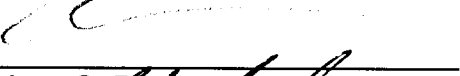
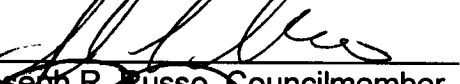


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27 **SECTION 4.** Should any section or provision of this Ordinance or any portion
28 thereof, any paragraph, sentence, or word be declared by a Court of competent
29 jurisdiction to be invalid, such decision shall not affect the validity of the remainder of
30 this Ordinance.

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32 **SECTION 5.** This Ordinance shall take effect immediately upon passage.

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PASSED this 17th day of December, 2009, upon first reading.

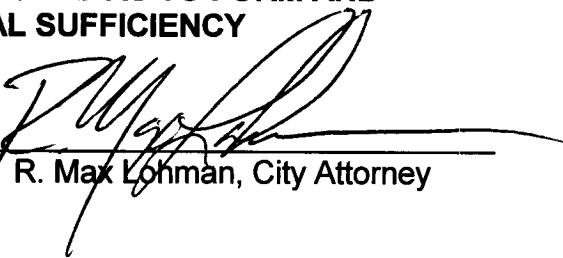
PASSED AND ADOPTED this 1st day of April, 2010, upon second and final reading.

CITY OF PALM BEACH GARDENS	FOR	AGAINST	ABSENT
BY:  David Levy, Mayor	✓		
 Robert G. Framuroso, Vice Mayor	✓		
 Joseph R. Russo, Councilmember	✓		
 Eric Jablin, Councilmember	✓		
 Jody Barnett, Councilmember	✓		

ATTEST:

BY: 
Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

BY: 
R. Max Lohman, City Attorney

